

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re New York City Policing During Summer
2020 Demonstrations

1:20-cv-08924 (CM) (GWG)

This document relates to all cases

STIPULATION

WHEREAS, City Defendants agreed to provide the documents referenced in Paragraph 4(a) of the Stipulation and Order dated August 4, 2022 (Dkt. No. 718);

WHEREAS, the parties request the unsealing of those documents pertaining to the stops and/or arrests and/or prosecutions of non-party individuals that might otherwise be protected from disclosure by the New York Criminal Procedure Law (“CPL”) §§ 160.50 and/or 160.55;

WHEREAS, the Court has the authority to unseal these records in connection with these actions;

WHEREAS, certain parameters for the production of these documents need to be assured prior to production;

WHEREAS, the parties consent to the entry of this Stipulation;

IT IS HEREBY ORDERED THAT:

1. Defendants may review the documents referenced in Paragraph 4(a) of the Stipulation and Order dated August 4, 2022 (“Sample Documents”) prior to production for privilege and redactions. The Sample Documents may be only redacted for privilege and PII (including victim/complaining witness information). Any documents withheld in full for privilege

shall be reflected on a privilege log. Defendants will produce the privilege log within three weeks of production.

2. The Sample Documents pertaining to the stops and/or arrests and/or prosecutions of non-party individuals that might otherwise be protected from disclosure by the New York Criminal Procedure Law (“CPL”) §§ 160.50 and/or 160.55 are hereby unsealed for the purposes of this production.

3. The Sample Documents are produced only for the limited purpose of sampling the agreed upon categories of documents — along with any related motion practice, discussions, and appeals and shall not be considered part of the discovery record and shall not be used for any other purpose. These documents are presumptively deemed as Confidential/Attorneys’ Eyes Only. These documents can only be disclosed to attorneys to the parties and to the Court and its personnel (under seal).

a) If Plaintiffs intend to use any of these documents in connection with a related motion and believe in good faith that the motion requires inclusion of the document or discussion thereof, they shall identify the document in writing by Bates number to Defendants and request de-designation. Defendants shall have ten business days to respond.

i. If Defendants maintain the designation, they shall make an application to seal the documents under the Court's rules within seven business days of the filing of any relevant motion.

ii. If Defendants agree to de-designate a document in whole they shall have seven business days to reproduce the document without the designation.

- iii. If Defendants agree to de-designate a portion of a document, they shall have ten business days to reproduce a redacted version of the document without the designation, and if the portions they redact are part of what Plaintiffs believe is to be properly considered on any relevant motion, Defendants shall follow the procedure in paragraph 3above.

4. Plaintiffs shall have 45 days after Defendants have completed production of the Sample Documents and privilege log to identify any documents they assert are responsive. Any such responsive documents will be reproduced within 10 business days in accordance with the standard production practices in these actions, unless objected to by the Defendants. To the extent the parties disagree that a document should be reproduced, they shall meet and confer in an effort to resolve the issue before raising it with the Court.

5. Within 30 days after either (a) the parties reach agreement on any re-review, or (b) an order is issued by the Court related to Plaintiffs' review of the Sample Documents, Plaintiffs shall: (i) destroy the Sample Documents or return it to the Defendants, including any paper or electronic copies; (ii) destroy any work product, analysis, memoranda, or notes reflecting the content of the Sample Documents and/or which the Plaintiffs generated based upon the Sample Documents; and (iii) certify their destruction in writing to Defendants. If any additional work product, analyses, memoranda, or notes reflecting or based upon the Sample Documents are later discovered, they shall destroy and certify their destruction in writing to Defendants.

6. The parties may extend the deadlines in this Stipulation by consent and without Court order.

7. The City Defendants shall produce the Sample Documents within 1 business day of the entry of this Order.

SO ORDERED:

Hon. Gabriel W. Gorenstein
United States Magistrate Judge